

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
UNITED STATES OF AMERICA	:	
	:	
-v-	:	20cr07 (DLC)
	:	
ERICKSON HERNANDEZ ALMONTE,	:	<u>ORDER</u>
	:	
Defendant.	:	
	:	
-----X	:	

DENISE COTE, District Judge:

Following a plea of guilty, on March 18, 2021, this Court sentenced Erickson Hernandez Almonte principally to 84 months' imprisonment, which represented a substantial variance below his guidelines range of 168 to 210 months. The plea was pursuant to an agreement with the Government in which the defendant waived his right to appeal or challenge a sentence at or below 210 months' imprisonment. The defendant did not appeal his conviction and the time to appeal has expired.

In a letter dated August 28 and filed on September 21, Hernandez reports that his retained counsel for his plea and sentence has not responded to his request for certain materials that he needs to review in contemplation of a possible appeal or habeas corpus petition. The requested materials include a suppression hearing transcript, but there was no suppression hearing in this case.

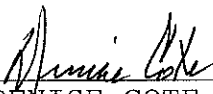
The defendant is incarcerated and the Bureau of Prisons has restrictions on what documents associated with a defendant's conviction a prisoner may possess while in custody. Accordingly, it is hereby

ORDERED that Mr. Barry Goldberg, counsel for the defendant, respond in writing to the defendant's request in the letter filed September 21 and explain to him how he can get access to materials related to his conviction while complying with the Bureau of Prisons regulations.

IT IS FURTHER ORDERED that Mr. Goldberg shall confirm to the Court in writing by October 15, 2021 that he has complied with this Order.

IT IS FURTHER ORDERED that the Clerk of Court shall mail this Order to the defendant and note that mailing on ECF.

Dated: New York, New York
September 28, 2021



DENISE COTE
United States District Judge